

III. REMARKS

Claims 1-28 are pending in this application. By this amendment, claims 1, 3-5, 7-9, 12, 14, 17, 20, 21, 23, 26 and 27 have been amended. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. 1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicants respectfully request entry of this Amendment.

In the Office Action, claims 1-11 and 17-28 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 3-5, 8-9, 12-16, 20-21 and 26-27 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Claims 1- 28 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Pulsipher *et al.* (U.S. Patent No. 5,948,055), hereafter "Pulsipher."

A. REJECTION OF CLAIMS 1-11 AND 17-28 UNDER 35 U.S.C. §112, FIRST PARAGRAPH

The Office has asserted that claims 1-11 and 17-28 fails to comply with the written description requirement. Specifically, the Office objects to the limitation "user predetermined

scheduled times.” Applicants have amended claims 1, 7, 17 and 23, to recite “...predetermined scheduled times.” Applicants assert that this amendment further complies with the written description requirement. Accordingly, Applicants request that the rejection be withdrawn.

B. REJECTION OF CLAIMS 3-5, 8-9, 12-16, 20-21 AND 26-27 UNDER 35 U.S.C. §112, SECOND PARAGRAPH

The Office has asserted that claims 3-5, 8-9, 12-16, 20-21 and 26-27 are indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Office asserts that the limitation “the collection tools” in claim 3 lacks antecedent basis. Applicants have amended claim 3 to refer to claim 2 and to recite “...the at least one collection tool.” The Office further asserts that the limitation “device identity / types” is indefinite. Applicants have amended claims 4, 5, 9, 20, 21, 26 and 27 to recite “device identities, device types.” The Office still further asserts that the limitation “communicating the collection apparatus with the network” in claim 12 is unclear. Applicants have amended claim 12 to recite, “communicating with the network using the collection apparatus.” Applicants assert that these amendments further clarify the invention. Accordingly, Applicants request that the rejection be withdrawn.

C. REJECTION OF CLAIMS 1- 28 UNDER 35 U.S.C. §102(b)

With regard to the 35 U.S.C. §102(b) rejection over Pulsipher, Applicants assert that Pulsipher does not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 7, 12, 17 and 23, Applicants submit that Pulsipher fails to teach collecting device identification and detail information. The Office attempts to equate the device

identification and detail information with the topology data of Pulsipher. However, Pulsipher defines network topology as "...network nodes and node interconnections existing on the network. Col. 6, lines 54-55. As such, it is merely the physical network nodes and node interconnections that are monitored for discovery by Pulsipher and not both device identification and detail information. Nowhere does Pulsipher teach both device identification and detail information. In contrast, the present invention includes "...collecting device identification and detail information." Claim 1. As such, the information of the claimed invention is not merely the physical network nodes and node interconnections as in Pulsipher, but is instead both device identification and detail information. Thus, the collection of device identification and detail information as included in the claimed invention is not taught by the discovery of topology data in Pulsipher. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With further respect to independent claims 1, 7, 12, 17 and 23, Applicants submit that Pulsipher fails to teach, *inter alia*, a collection system for collecting device identification and detail information from devices on the network by retrieving the device identification and detail information at each device. Instead, the passage of Pulsipher cited by the Office teaches "[t]he network monitor discovers and monitors network topology." Col. 7, lines 42-44. To this extent the network monitor of Pulsipher is a monitor that monitors network topology as it is passed through the network and does not actively retrieve, such as by pinging, information from a particular device. Nowhere does Pulsipher teach that its network monitor retrieves the device identification and detail information at each device. In contrast, the claimed invention includes "...a collection system for collecting device identification and detail information from devices on the network by retrieving the device identification and detail information at each device." Claim

1. As such, the collection system of the claimed invention does not simply monitor network topology as does the network monitor of Pulsipher, but instead collects device identification and detail information from devices on the network by retrieving the device identification and detail information at each device. Thus, the collection system as included in the present invention is not taught by the network monitor of Pulsipher. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With further respect to independent claims 1, 7, 17 and 23, Applicants respectfully submit that Pulsipher also fails to teach collecting the device identification and detail information at predetermined scheduled times. The passage of Pulsipher cited by the Office teaches,

When network topology changes on the network, the network monitor generates events, or traps (SNMP vernacular), which include an object identifier and object change information. The network monitor can also receive events from other devices, such as a router, in the network. Col. 7, lines 44-49.

To this extent, the Pulsipher network monitor is a continuously running monitor that issues events to the topology manager if it detects or is notified of a topology change and not a system that monitors system topology only at predetermined scheduled times. Col. 7, lines 41-57, specifically lines 54-57. Nowhere, does Pulsipher teach that its network monitor monitors topology at predetermined scheduled times. The present invention, in contrast, includes "...collecting the device identification and detail information at predetermined scheduled times."

Claim 1. As such, in the claimed invention, the device identification and detail information is collected at user predetermined scheduled times, not continuously monitored as in Pulsipher. Furthermore, the times as included in the claimed invention are not generated as a result of a topology change on the network as are the events in Pulsipher, but rather are at predetermined scheduled times. For the above reasons, the events of Pulsipher do not teach the collecting of

device identification and detail information at predetermined scheduled times as included in the claimed invention. Accordingly, Applicants request that the rejection be withdrawn.

With respect to claims 4, 8, 14, 20 and 26, Applicants respectfully submit that Pulsipher also does not teach, *inter alia*, that the device identification and detail information includes device identities, device types, device addresses, device characteristics, operating system and application software installed on the devices, and software characteristics of the devices on the network. Instead, the passage of Pulsipher cited by the Office teaches that

...topology data stored with respect to the objects includes, for example but not limited to, an interface or device address, an interface or device type, an interface or device manufacturer, and whether an interface or device supports the SNMP protocol. Col. 8, lines 2-6.

However, the topology data of Pulsipher does not include some types of information collected by the claimed invention, including but not limited to device characteristics (such as memory, hard drive space, etc), operating system and application software installed on the devices and software characteristics (e.g. version) of the devices on the network. Thus, the topology data of Pulsipher does not teach the device identification and detail information of the claimed invention.

Accordingly, Applicants respectfully request that the Office withdraw the rejection.

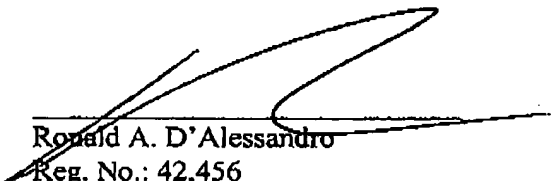
With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

IV. CONCLUSION

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

Date: June 7, 2005


Ronald A. D'Alessandro
Reg. No.: 42,456

Hoffman, Warnick & D'Alessandro LLC
Three E-Comm Square
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)